

APPEAL FOR JUSTICE
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[ORAL ARGUMENT HELD DECEMBER 9, 2013]

December 9, 2013

Mark J. Langer, Clerk
U.S. Court of Appeals
for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: *Hatim v. Obama*, No. 13-5218

Dear Mr. Langer:

At oral argument this morning, respondents' counsel said that the genital search procedure at Guantánamo is "not as bad as it sounds." In fact, the procedure is far worse.

By way of background, I have represented Guantánamo detainees since July 2004. I currently represent more than a dozen detainees. I have visited the base every month, except June, since the genital searches began. I spent most of November there.

Clients who are willing to see me, or to have calls with me, describe a search procedure that is far more invasive and degrading than the light pat-down passengers get at airports: The guard feels the detainee's penis, cups the detainee's testicles, and feels inside the detainee's crotch.

Other lawyers are hearing the same things from their clients. Refusals are becoming ever more widespread. As a lawyer for other detainees emailed me last week, "We are having a massive problem with this."

Not all searches are equally aggressive, and some guards are more aggressive than others. A detainee cannot know in advance how aggressive any particular search will be. This very unpredictability has an *in terrorem* effect.

Respectfully,

David H. Remes

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